

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Sacramento, California

**February 23, 2016 at 10:00 a.m.**

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**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

**1. Matters resolved without oral argument:**

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

- 2. The court will not continue any short cause evidentiary hearings scheduled below.**
- 3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.**
- 4. If no disposition is set forth below, the matter will be heard as scheduled.**

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|------|------------------------|-------------------|--|
| 1.   | 14-22215-D-13<br>SJS-1 | PAMELA MATHIS     | MOTION TO MODIFY PLAN<br>12-15-15 [67] |
| <br> |                        |                   |  |
| 2.   | 14-26718-D-13<br>PGM-1 | HELEODORO ALVAREZ | MOTION TO CONFIRM PLAN<br>1-12-16 [91] |

3. 11-29920-D-13 EDUARDO/AGNES CAYETANO MOTION TO MODIFY PLAN  
JCK-11 1-15-16 [105]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

4. 15-28722-D-13 JACOB WINDING OBJECTION TO DEBTOR'S CLAIM OF  
RDG-3 EXEMPTIONS  
1-11-16 [26]

**Final ruling:**

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection has been filed and the objection is supported by the record. Accordingly, the court will issue a minute order sustaining the trustee's objection to the debtor's claim of exemptions. No appearance is necessary.

5. 15-29738-D-13 JOSEPH CLARK MOTION FOR RELIEF FROM  
JAB-2 AUTOMATIC STAY  
PROVIDENT SAVINGS BANK VS. 1-26-16 [33]

6. 11-45745-D-13 DANIEL FORSYTHE MOTION TO MODIFY PLAN  
JCK-4 1-18-16 [72]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

7. 15-28957-D-13 MARVIN/MARY JONES MOTION TO CONFIRM PLAN  
JCK-2 1-7-16 [24]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

8. 15-28957-D-13 MARVIN/MARY JONES MOTION TO VALUE COLLATERAL OF  
JCK-3 DITECH FINANCIAL, LLC  
1-13-16 [35]

**Final ruling:**

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Ditech Financial, LLC at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. No timely opposition has been filed and the relief requested in the motion is supported by the record. As such, the court will grant the motion and set the amount of Ditech Financial, LLC's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

9. 15-29257-D-13 ERNEST/YOLANDA MARIE OBJECTION TO DEBTORS' CLAIM OF  
RDG-2 RICHERS EXEMPTIONS  
1-15-16 [40]

**Final ruling:**

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection has been filed and the objection is supported by the record. Accordingly, the court will issue a minute order sustaining the trustee's objection to the debtors' claim of exemptions. No appearance is necessary.

10. 12-30064-D-13 CAROLYN FREEL MOTION FOR COMPENSATION FOR  
PGM-4 PETER G. MACALUSO, DEBTOR'S  
ATTORNEY  
1-19-16 [96]

11. 15-28975-D-13 REGINALD/TAMMY SCHUBERT OBJECTION TO DEBTORS' CLAIM OF  
RDG-1 EXEMPTIONS  
1-11-16 [16]

**Final ruling:**

This is the trustee's objection to the debtors' claim of exemptions. On January 19, 2016 the debtors filed an amended Schedule C. As a result of the filing of the amended Schedule C, the objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

12. 15-29385-D-13 JOSE MURILLO OBJECTION TO DEBTOR'S CLAIM OF  
RDG-2 EXEMPTIONS  
1-15-16 [26]

**Final ruling:**

This is the trustee's objection to the debtor's claim of exemptions. The basis of the objection is that the debtor failed to file a spousal waiver to allow him to use the exemptions provided by Cal. Code Civ. Proc. § 703.140(b). On January 15, 2016, the debtor filed a spousal waiver in the correct form that appears to be signed by the debtor and his spouse. As a result of the filing of the spousal waiver, the objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

13. 15-29688-D-13 ALPHONSE/MARIELLE BROWN MOTION TO AVOID LIEN OF CACH,  
MC-1 LLC  
1-21-16 [24]

**Final ruling:**

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order. No appearance is necessary.

14. 15-28689-D-13 ANITA TOMBOC OBJECTION TO DEBTOR'S CLAIM OF  
RDG-2 EXEMPTIONS  
1-11-16 [27]

**Final ruling:**

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection has been filed and the objection is supported by the record. Accordingly, the court will issue a minute order sustaining the trustee's objection to the debtor's claim of exemptions. No appearance is necessary.

15. 15-25997-D-13 AL GREEN  
MSM-3

MOTION TO CONFIRM PLAN  
1-4-16 [44]

**Final ruling:**

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

16. 15-29426-D-13 DANIEL/NORA OMALZA  
RDG-2

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
1-15-16 [24]

**Final ruling:**

Objection withdrawn by moving party. Matter removed from calendar.

17. 15-29477-D-13 NICHOLAS/LAURRIE WEBB  
RDG-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
2-1-16 [13]

18. 15-28899-D-13 DANA BUCKINGHAM  
RDG-1

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
1-11-16 [19]